Distr.
LIMITED

E/CN.4/1994/L.52
1 March 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10 (d)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Argentina*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic*, Denmark*, Ecuador, El Salvador*, Finland, France, Germany, Greece*, Guatemala*, Hungary, Italy, Latvia*, Liechtenstein*, Luxembourg*, Madagascar*, Netherlands, Norway*, Peru, Poland, Portugal*, Romania, Russian Federation, Senegal*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, Uruguay, Venezuela: draft resolution

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

GE.94-11515 (E)

1993/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66), intended to establish a preventive system of visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, in which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling its resolution 1993/34 of 5 March 1993, in which it requested the working group to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and to submit a report,

Taking note with satisfaction, of the observations and comments presented by Governments, United Nations bodies, the representative of the Committee against Torture, the Special Rapporteur on the question of torture, the representative of the European Committee for the Prevention of Torture, the head of the Division of Detention of the International Committee of the Red Cross, other invited experts and non-governmental organizations, whose contributions led to useful progress in the examination of the draft optional protocol,

Considering that the working group generally agreed that should its work continue in the same manner there was a possibility that, within a reasonable

period of time, a final text could be elaborated which could be of great significance in the field of the prevention of torture,

Recalling the firm declaration of the World Conference on Human Rights that efforts to eradicate torture should, first and foremost, be concentrated on prevention and which called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/25 and Add.1) and welcomes the substantial progress made by the working group during its second session;

2. Requests the open-ended working group to meet between sessions for a period of two weeks prior to the fifty-first session of the Commission in order to pursue its work and to submit a new report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-first session of the Commission;

6. Decides to examine the report of the working group at its fifty-first session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council

Recalling Commission on Human Rights resolution 1994/... of .. March 1994,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1994/25 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned."